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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,813	01/19/2001	Jason F. Hunzinger	09752-098001	9207

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EXAMINER

PEREZ, ANGELICA

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 12/16/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/765,813

Applicant(s)

HUNZINGER, JASON F.

Examiner

Angelica M. Perez

Art Unit

2684

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 January 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-6 and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Alperovich (Alperovich et al., Patent No. 6,119,014).

Regarding claim 1, Alperovich teaches of a method of defining contextual information comprising (column 3, lines 26-45): obtaining reference information such as priority information, i.e. location and time (column 4, line 7-29); assigning an identifier tag to the reference information (e.g. "assign priority one", "two"; column 4, lines 24-25); and storing (i.e. within the SIM or other kind of memory; column 4, lines 19-21) the reference information correlating with the identifier tag (column 4, lines 20-27).

Regarding claim 2, Alperovich teaches all the limitations found in claim 1. Also, Alperovich teaches of executing a program using the stored identifier tag (columns 7 and 8, lines 51-67 and 1-10, respectively).

Regarding claim 3, Alperovich teaches all the limitations found in claim 1. Alperovich further teaches of storing the correlated information in a mobile station (column 5, lines 36-41).

Regarding claim 4, Alperovich teaches all the limitations found in claim 1. Alperovich further teaches where defining a context tag is based on location data (column 5, lines 27-35).

Regarding claim 5, Alperovich teaches all the limitations found in claim 1. Alperovich further teaches defining a context tag based on time frame data (column 4, lines 60-61).

Regarding claim 6, Alperovich teaches all the limitations found in claim 1. Alperovich further teaches of retrieving all context tags referred to within the program (column 7, lines 29-34).

Regarding claim 9, Alperovich teaches of a mobile station (figure 1, item 20) for use in a wireless communication system (figure 1) comprising: a memory (column 9, line 2) which stores a plurality of context tags (column 4, lines 59-65) and associated defining characteristics (column 4, lines 60-61); and a processor (column 9 and 10, lines 1-12 and 1-10, respectively) which executes programs based on the context tags which meet the current conditions.

Regarding claim 10, Alperovich teaches all the limitations found in claim 9. Furthermore, Alperovich teaches where the defining characteristics are location based (column 5, lines 27-35).

Regarding claim 11, Alperovich teaches all the limitations found in claim 9. In addition, Alperovich teaches where the defining characteristics are time frame based (column 4, lines 60-61).

Regarding claim 12, Alperovich teaches all the limitations found in claim 9. In addition, Alperovich teaches where the programs are obtained from memory (column 9, lines 1-3).

Regarding claim 13, Alperovich teaches all the limitations found in claim 9. Also, Alperovich teaches where the programs are obtained from the wireless web (column 6, lines 46).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 8, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich (Alperovich et al., Patent No. 6119014) in view of Amicangioli (Amicangioli, Anthony A., US Patent No. 6,535,509 B2).

Regarding claims 7 and 14, Alperovich teaches all the limitations found in claims 2 and 9.

Alperovich does not teach the method of storing the correlated reference information and identifier tag in a first location and executing the program in a second location, wherein the second location does not obtain the reference information in the network.

In related art concerning tagging in a network traffic server, Amicangioli teaches of storing the correlated reference information and identifier tag in a first location and executing the program in a second location, where the second location does not obtain the reference information (column 3, lines 28-31 and 42-47, respectively).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Alperovich's invention with Amicangioli's method for storing the correlated reference information and identifier tag in order to provide privacy to the mobile station carrier.

Regarding claim 8 and 15, Alperovich teaches all the limitations found in claims 2 and 15. Amicangioli further teaches where there is art that teaches the method where the first location informs the second location of a state of the identifier tag (column 3, lines 49-51).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patent No. 6,091,959 refers to wireless communication system for location-based message transmission.

Patent No. 5,471,518, refers to non-volatile data storage in radio telephones and the like.

Patent No. US 6,272,457 B1, Refers to spatial assessment management system time-tags combining speech and location data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8730. The examiner can normally be reached on 7:30 a.m. - 4:00 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

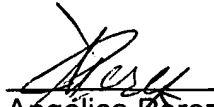


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Angélica Pérez  
(Examiner)

November 26, 2003

  
NAY MAUNG  
SUPERVISORY PATENT EXAMINER

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